

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE			ATTORNEYS				
STATE MUTUAL LIFE ASSURANCE COMPANY OF AMERICA, a Corporation,			For plaintiff:				
Plaintiff,			Dallas E. Ferguson				
vs			1200 Atlas Life Bldg.				
			Tulsa, OK 74103 585-5541				
HAROLD COBY; MARY JANE MOTE; LEWIS S. COBY; CECIL I. SEXTON; BANK OF CARTHAGE, as Executor of the Estate of William Lester Coby, Deceased; FIRST BAPTIST CHURCH OF CARTHAGE, MISSOURI,							
Defendants.							
Eaterly& Thompson (Bank of Carthage_ 227 E. Third Carthage, Mo. 64836			For defendant:				
Richard E. Hole, II (Mary Jane Mote) 210-212 Weaver Bldg. Greenville, Ohio 45331 513-548-1157			Howard Shapiro (for Lewis S. Coby) 1809 Ave. K Plano, Tx. 75074				
			Darell R. Matlock, Jr. (Harold Coby) 520 Center Bldg., 630 W. 7th Tulsa 74127				
			Frank R. Birkhead (1st Baptist Church) 346 Grant St. Carthage, Mo. 64836 417-358-2142				
			Mrs. Cecil I. Sexton (pro se) 7932 LaMesa Blvd., Apt. D LaMesa, Calif. 92041				
			James R. Flickinger (for Sexton) 2494 Fletcher Parkway El Cajon, Calif. 92020				
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 1-1-75	Clerk		12-17-74	Ferguson	15 00	15	00
J.S. 6 mailed 11-1-75	Marshal		12-19-74	C/D #27			
Basis of Action: Interpleader action.	Docket fee						
	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
12-17-74	1. Complaint for interpleader, filed.k	
12-17-74	2. Motion for service of summons without state, filed.k o-40 J	
12-19-74	3. Motion of pltf. for Restraining Order enjoining defts. from instituting or prosecuting any proceeding in any State or U.S. Court affecting property involved in this action, filed. lm	
12-19-74	4. Brief in support of motion for service without State and Restraining Order, filed. lm	
12-23-74	5. Order, filed, enjoining & restraining defts. from instituting or prosecuting any proceeding in any State or U. S. Court; further that summons issue to defts. requiring them to ans. within 30 days of service. (FD-J)rm - certified copies to pltf. counsel for service	
1-7-75	Summons, ret. & filed: served Harold Coby 12-23-74; Lewis S. Coby 12-26-74; Mary Jane Mote, Cecil I. Sexton, First Baptist Church of Carthage, Mo. and Bank of Carthage on 12-30-74. (USM \$81.84)g	
1-8-75	MO: Ordered by the Ct. that this case is transferred to Judge Cook(FD-J)rm	
1-13-75	6. ANSWER of Lewis S. Coby, filed. g	
1-13-75	7. Application of deft. Harold Coby for extension of time (15 days from 1-13-75 to and incl. 1-28-75, filed.lm	
1-13-75	8. Order, filed, granting deft. Harold Coby ext. of time (15 days from 1-13-75 to and inc. 1-28-75. (JCS-Clk)lm	
1-17-75	9. Answer and cross complaint of Harold Coby against defts. Bank of Carthage, as Exec., etc., and First Baptist Church of Carthage, Mo., filed. hm	
1-22-75	10. Motion of deft. First Baptist Church of Carthage, Mo., for ext. of time to file pleading, filed. hm	
1-22-75	11. Order, extending time for First Baptist Church of Carthage, Mo. file pleadings to 2-20-75, filed. (HDC-J) ds copies mailed.	
1-27-75	12 Answer of Cecil I. Sexton , filed. g	
1-31-75	13. Answer of Deft. Mary Jane Mote to compl. for interpleader, filed.k	
2-3-75	14. Answer, Counterclaim and Cross-Claims of deft. Bank of Carthage, filed. g	
2-19-75	15. Answer, Counterclaim and Cross Claim of deft. First Baptist Church of Carthage, Mo., filed. g	
3-6-75	16. Mot. for judgment on the pldgs. or, alternatively, for summary judgment, filed by Pltf. v	
3-6-75	17. Brief in support, filed. v	
3-6-75	MO: ORDERED BY THE COURT that Defts. are granted 10 days from this date to respond to Pltf.'s Mot. for judgment on the pldgs., or, alternatively, for summary judgment. (HDC-J)v	
3-18-75	18. Application for Extension of Time by Deft. to 3-31-75. mm (O to J)	
3-18-75	19. Order, filed, granting deft.H.Coby until 3-31-75 to file response. (HDV-J)g	

(Cont)

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-19-75	20. Response of deft. Cecil I. Sexton to motion for S/J, filed. hm (in letter form)	
3-31-75	21. Deft's RESPONSE to motion for judgment on the pleadings or, alternatively, for Summary Judgment, filed. lm	
4-22-75	22. ORDER, filed, sustaining pltf's motion for S/J, filed. (HDC-J)lm	cps mld
6-10-75	MO: Case set for pre-trial 7-7-75 at 12:00 noon. (HDC-J)hm	
7-7-75	MO: Case called for PT hearing & hearing on pltf's motion for attys' fees. Statements made. Chris Rhodes testifies for pltf. re atty. fees. Court allows attys' fees in amt. of \$1,000 and costs in amt. of \$175.85. Pltf. to prepare order. Deft. / counsel ^{Darrell Matlock} given 10 days to submit case on stipulation or advise Court it will be settled. (HDC-J)hm	
7-9-75	23. Order, filed, that pltf. recover attys' fees in amt of \$1000 and costs in amt. of \$175.85 and directs Clerk to make pmt. to pltf State Mutual Life Assurance Co. amt. of \$1,175.85 from funds heretofore pd. into court. (HDC-J)g	
10-20-75	24. Judgment, filed and entered, that judgment be entered in amt. of \$624.19 for each of following: Harold Coby, Mary Jane Mote, Lewis S. Coby, Cecil A. Sexton & First Baptist Church of Carthage, Mo., to be paid from funds paid into Court by pltf.; that Lewis S. Coby is to be reimbursed for funeral expenses for Wm. Coby in amt. of \$1,700.00 to be paid from funds paid into Court by pltf. (HDC-J)hm (copies mailed)	
10-20-75	25. Order, filed, that Clerk pay out to deft. Lewis S. Coby the amt. of \$1,700.00 for funeral expenses; and to defts. Harold Coby, Mary Jane Mote, Lewis S. Coby, Cecil A. Sexton and First Baptist Church of Carthage, Mo., the amt. of \$624.19 each. (HDC-J)hm (copies mailed)	

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